

**MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: WEDNESDAY, AUGUST 18, 2004
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

CALL TO ORDER

Chairperson Peter Young called the meeting of the Commission on Water Resource Management to order at 9:01 a.m.

ROLL CALL

The following were in attendance:

MEMBERS

Mr. Peter Young
Ms. Meredith Ching
Mr. Clayton Dela Cruz

Mr. James Frazier
Dr. Chiyome Fukino
Dr. Lawrence Miike
Ms. Stephanie Whalen

STAFF

Deputy Director Yvonne Izu, Roy Hardy, Ed Sakoda, Dean Nakano, Kevin Gooding, Glenn Bauer, Michael Yoshinaga, Dean Uyeno, Lenore Nakama, David Higa

COUNSEL

Sonia Faust, Esq.

Colin Lau, Esq.

OTHERS

Dr. Jonathan Scheuer, Kapua Sproat, Barry Hill, Mike Nolan, Rosemary Liu, Dr. Steve Gingerich, Dr. Gordon Tribble, Betsy Gagne

All written testimonies submitted at the meetings are filed in the Commission office and are available for review by interested parties.

ACCEPTANCE OF AGENDA

Deputy Director Izu requested approval from the Commission to amend the agenda to include a report from the U.S. Geological Survey on East Maui Streams that is included as item D-4 and is a non-action item.

MOTION: (Frazier/Whalen)

To approve to amend the agenda to include the report from USGS.

UNANIMOUSLY APPROVED

APPROVAL OF MINUTES

MOTION: (Frazier/Whalen)

To approve the minutes of the June 16, 2004 meeting as circulated.

UNANIMOUSLY APPROVED

MOTION: (Ching/Dela Cruz)

To approve the minutes of the July 28, 2004 meeting as circulated.

UNANIMOUSLY APPROVED

SUBMITTALS

A-1. Assignment of Payment for Public Notices Relating to Water Use Permit Applications.

PRESENTATION OF SUBMITTAL: Deputy Director Izu

RECOMMENDATION:

That the Commission:

Approve the assignment of payment for public notices relating to water use permit applications to (water use) permit applicants, effective October 1, 2004.

DISCUSSION:

Commissioner Miike asked if the current applicants would be affected. Deputy Director Izu stated that the change would go into effect October 1, 2004 and current applicants would not be affected.

MOTION: (Ching/Whalen)

To approve as presented by staff

UNANIMOUSLY APPROVED

A-2. Sandwich Isles Communication, Application for a Water Use Permit, SIC-01 Well (Well No. 2801-03), TMK 9-5-002:003, WUP No. 694 New (Agriculture and Landscape Irrigation) Use for 0.576 mgd, Wahiawa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATION:

Staff recommends that the Commission defer action on this application for a period not to exceed sixty days. If the applicant does not provide the additional requested information within the next sixty days, then this application will be deemed automatically denied without prejudice due to the failure of the applicant to meet its burden of proof.

MOTION: (Frazier/Miike)
To approve as presented by staff
UNANIMOUSLY APPROVED

B-1. Application for a Stream Channel Alteration Permit (SCAP-OA-371), 24-Inch Diameter Waterline Crossing, City and County of Honolulu, Board of Water Supply, Nanakuli Stream (TMK:8-9-07), Oahu

PRESENTATION OF SUBMITTAL: Ed Sakoda

RECOMMENDATION:

That the Commission approve a stream channel alteration permit for a 24-inch diameter waterline across Nanakuli Stream (TMK: 8-9-07), Nanakuli, Oahu. The permit will be valid for two years subject to the Commission's standard conditions for stream channel alteration permits in Exhibit 4.

MOTION: (Dela Cruz/Miike)
To approve as presented by staff
UNANIMOUSLY APPROVED

C-1. Delegate the Chairperson to Appoint a Hearing Officer for the Waiahole Ditch Combined Contested Case Hearing Remand

PRESENTATION OF SUBMITTAL: Ed Sakoda

RECOMMENDATION:

That the Commission delegates the Chairperson to appoint a hearing officer for the Waiahole Ditch Combined Contested Case Hearing Remand.

MOTION: (Ching/Whalen)
To approve as presented by staff
UNANIMOUSLY APPROVED

**C-2. Cooperative Agreement with U.S. Geological Survey for Statewide
Hydrologic Data Collection and Water Resource Investigations for Fiscal
Year (FY) 2005**

PRESENTATION OF SUBMITTAL: Glenn Bauer

AMENDED RECOMMENDATION:

That the Commission approve the cooperative agreement between the Commission and the U.S. Geological Survey, and authorize the Chairperson to execute the appropriate documents.

Mr. Bauer noted a couple corrections in the submittal, whereas in Exhibit 1, cooperative agreement for Federal FY should read 2005 and under line 2 of staff recommendations, Governor's approval is not required.

DISCUSSION:

Commissioner Whalen stated that she encourages the agencies to work together to combine their data to have one complete water control data report that will be useful in the long term. She also suggested that the agencies have standard operating procedures that are signed off by management so that long-term water level data are comparable and useful. Mr. Bauer stated that the water level sounders used by CWRM, BWS, and USGS are calibrated against a non-stretch steel tape standard provided by the USGS.

Commissioner Whalen questioned how the cost of gages are determined. Barry Hill of USGS stated that the FY05 cost for gages is more realistic than previous years and are comparable to gages on the mainland. Also included in the costs are staff salaries and the federal cost of living allowance (COLA) for Hawaii personnel.

MOTION: (Miike/Dela Cruz)
To approve as amended
UNANIMOUSLY APPROVED AS AMENDED

NON-ACTION ITEMS

D-1. Status of Iao Aquifer Water Use Permit Applications

PRESENTATION OF NON-ACTION ITEM: Yvonne Izu

DISCUSSION:

Deputy Director Izu updated the Commissioners by stating that the Iao Aquifer was designated about a year ago and existing water users were given a year from the date of designation to file in their water use application for existing use permits. Of the 51 wells in the Iao Aquifer, 26 wells require water use permits for existing uses and of the 26 wells, staff has received 23 applications. Deputy Director Izu stated that a few applications were returned as they were incomplete. Deputy Director Izu indicated that objections were received from Office of Hawaiian Affairs (OHA), Department of Hawaiian Homelands (DHHL), Earthjustice and others and therefore staff will schedule a combined public hearing.

NON-ACTION ITEM**D-2. Status of Petitions for IIFS Amendments for 4 West Maui Streams**

PRESENTATION OF NON-ACTION ITEM: Yvonne Izu

Deputy Director Izu stated that staff has received petitions to amend the interim instream flow standards for 4 West Maui Streams. Deputy Director Izu indicated that petitions were sent out to stakeholders and other interested parties and four of them responded with comments and requests for further information from the petitioners. Comments will be forwarded to the petitioners for response and meanwhile staff is continuing to conduct more research in order to arrive at a recommendation for the Commission.

NON-ACTION ITEM**D-3. Status of Request for Designation of Waihee Aquifer**

PRESENTATION OF NON-ACTION ITEM: Yvonne Izu

Deputy Director Izu briefed the Commission and stated that the water quality is looking good. She also mentioned that Maui County has stated that they are looking at a number of sources that would remove the basis for staff's previous recommendation to designate the Waihee Aquifer. Deputy Director Izu indicated that Staff is in the process of getting confirmation on Maui County's plans and letter was sent over a month ago but haven't received a response.

NON-ACTION ITEM**D-4. Report from U.S. Geological Survey on East Maui Streams**

PRESENTATION OF NON-ACTION ITEM: Yvonne Izu

Dr. Steve Gingerich from the U.S. Geological Survey (USGS) stated that there is a cooperative agreement between the Water Commission and USGS to look at the aspects of the diversion of the stream flow in East Maui. Dr. Gingerich provided a report to the Commission with a PowerPoint presentation.

NON-ACTION ITEM

EXECUTIVE SESSION

- E. The Commission will meet in Executive Session to discuss with its attorneys, HRS section 92-5(4), legal matters relating to the Commission's powers, duties, privileges, immunities, and liabilities with respect to the Water Use Permit Applications.**

Water Commission meeting will end after the Executive Session.

MOTION: (Frazier/Ching)
To move to Executive Session
UNANIMOUSLY APPROVED

NEXT COMMISSION MEETINGS (TENTATIVE)

- 1. September 22, 2004**
- 2. October 27, 2004**

ADJOURNMENT

Meeting was adjourned at 11:17 am.

Respectfully submitted,

Karen Stahl
Secretary

Approved as submitted:

YVONNE Y. IZU
Deputy Director-Water